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FISCAL IMPACT STATEMENT

LS 6347

BILL NUMBER: HB 1078

NOTE PREPARED: Dec 5, 2012

BILL AMENDED:

SUBJECT: Toylike Lighters.

FIRST AUTHOR: Rep. Frye R

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Class C Infraction-* The bill makes the retail sale or distribution of a toylike lighter a Class C infraction.

Enforcement- The bill provides that the State Fire Marshal (SFM) or a designated law enforcement officer may enforce toylike lighter laws.

Adoption of Rules- The bill authorizes the Fire Prevention and Building Safety Commission (FPBSC) to adopt rules to implement the toylike lighter law.

Effective Date: Upon passage.

Explanation of State Expenditures: *Enforcement-* The Fire Marshal's office would have the option to enforce the bill's provisions. Any impact to state expenditures would depend on the rules adopted by the FPBSC and future Fire Marshal action.

Adoption of Rules- The bill authorizes the FPBSC to adopt rules to implement toylike lighter laws. The Department of Homeland Security (DHS) provides staff for the Commission. Rules adoption is within the DHS's routine administrative functions and should be able to be implemented within their existing level of resources.

Background Information- The Census Bureau's 2010 county business patterns report listed 512 retail gift,

novelty, or souvenir-type stores in Indiana. During the same period there were 518 miscellaneous durable good wholesalers in Indiana.

Explanation of State Revenues: *Class C Infraction-* Violation of the bill's provisions regarding selling or distribution of toylike lighters in Indiana would be a Class C infraction. If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which would be deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), the public defense administration fee (\$5), the court administration fee (\$5), and the judicial insurance adjustment fee (\$2) are deposited into the state General Fund. The amount of revenue generated from infraction fines is unknown, but likely to be small.

Explanation of Local Expenditures: *Enforcement-* Local law enforcement or code officials would have the option to enforce the bill's provisions. Any impact to local expenditures would depend on future local action.

Explanation of Local Revenues: *Class C Infraction-* If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund. However, any additional revenue is likely to be small.

State Agencies Affected: State Fire Marshal, Department of Homeland Security.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Mara Synder, Legislative Liaison, Department of Homeland Security; U.S. Bureau of Census.

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